

**REMARKS**

Claims 1-10 are pending in the application for the Examiner's review and consideration.

**CLAIM REJECTIONS UNDER 35 U.S.C. §103**

Claims 1-10 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over WO 99/40171 ("WO '171"). Applicants respectfully traverse the rejection.

On page 2 of the Office Action, it alleges that one of ordinary skill in the art would expect the cationic fabric softening particles of WO '171 float in water as claimed in the present application. Applicants respectfully submit that WO '171 does not, in fact, teach or suggest that such particles would float.

WO '171 allegedly discloses compositions, some of which may include a cationic fabric-softening agent. While some of the compositions of WO '171 may include a cationic fabric-softening agent, there is no mention whatsoever of the density of these particles as they would be formed with other compositions of the alleged disclosure of WO '171. Also, there is absolutely no disclosure, suggestion, or even an indication that such particles of WO '171 would float in deionized water at 20°C. Further, as density is defined by mass per volume, simply knowing the volume of a composition without knowing its mass makes it impossible to infer its density. While WO '171 allegedly discloses particles that contain fabric-softening agents, the composition of the particles is not described well enough for one of ordinary skill in the art to determine its mass or density. As no such determination can be made regarding density and no indication of particle that would float in deionized water at 20°C is indicated, Applicants submit that each and every limitation is not disclosed or suggested by WO '171. Applicants respectfully submit that the rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn.

**CONCLUSION**

In view of the foregoing amendments and accompanying remarks, reconsideration of the application and allowance of all claims are respectfully requested. No fee is believed to be due for the amendments herein. Should any fee be required, please charge such fee to Procter & Gamble Deposit Account No. 16-2480.

Respectfully submitted

By 

Mark A. Charles

Attorney for Applicant

Registration No. 51,547

Tel. No. (513) 627-4229

Dated: April 15, 2004

Customer Number: 27752